

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

TIAHISIA BRYANT,

Plaintiff,

vs.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

CASE NO. 1:20-cv-1394

OPINION AND ORDER
[Resolving Doc. 13]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On June 25, 2020, Plaintiff Tiahisia Bryant filed for judicial review of Defendant Commissioner of Social Security's decision denying Bryant supplemental security income and disability insurance benefits under the Social Security Act.¹ The Court referred the matter to Magistrate Judge Jonathan D. Greenberg.

On April 7, 2021, Magistrate Judge Greenberg issued a Report and Recommendation ("R&R") finding that the ALJ that heard Plaintiff Bryant's claim failed to consider Bryant's severe migraine impairment in determining Bryant's residual functional capacity to perform jobs in the national economy.² Magistrate Judge Greenberg accordingly recommended that this Court vacate and remand the Commissioner's decision affirming that ALJ's findings for

¹ Doc. 1.

² Doc. 13.

Case No. 1:20-cv-1394
Gwin, J.

full consideration of the relevant medical evidence.³ On April 13, 2021, the Commissioner notified the Court that he would not file R&R objections.⁴

The Federal Magistrates Act requires a district court to conduct a *de novo* review of only those portions of an R&R to which the parties have made an objection.⁵ Where a party does not object to the R&R, a district court may adopt it without review.⁶

Reviewing the ALJ decision under review, the Court agrees that the ALJ indeed determined that Plaintiff Bryant had a severe migraine impairment.⁷ The ALJ, however, failed to adequately consider that recognized impairment in determining Plaintiff Bryant's residual functional capacity.⁸

Accordingly, in light of the Commissioner's decision not to object to the R&R in this case, the Court **ADOPTS** Magistrate Judge Greenberg's R&R, incorporates it as if fully restated herein, and **VACATES** and **REMANDS** the Commissioner's decision.

IT IS SO ORDERED.

Dated: April 14, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

³ *Id.*

⁴ Doc. 14.

⁵ 28 U.S.C. § 636(b)(1)(C).

⁶ *See Thomas*, 474 U.S. at 149–50.

⁷ Doc. 9 at 22.

⁸ *Id.* at 25–29.